

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

MARIA MELENDEZ-BAGUE, et al.,

**Plaintiff(s)**

**v.**

PFIZER, INC., et al.,

**Defendant(s)**

**CIVIL NO. 06-1383 (JAG)**

**ORDER**

Plaintiffs' motion to remand the case to state court (Docket No. 4) is hereby **DENIED**. Although it is "a basic tenet that a plaintiff may choose his forum[, t]his power has a counterpart in defendants' removal power" under 28 U.S.C. § 1441. Rodriguez v. Comas, 888 F.2d 899, 904 (1st Cir. 1989). Furthermore, the Court strikes plaintiffs' jury demand as to their claims under ERISA as no right to jury trial exists under ERISA. See Turner v. Fallon Community Health Plan Inc., 953 F.Supp. 419, 422 (D. Mass. 1997) and cases cited therein.

Plaintiffs shall have ten (10) days in which to oppose defendants' motion to dismiss (Docket No. 6).

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 16<sup>th</sup> day of August 2006.

S/Jay A. Garcia-Gregory  
JAY A. GARCIA-GREGORY  
United States District Judge